

## **REMARKS/ARGUMENTS**

The Office Action mailed February 12, 2004 has been reviewed and carefully considered. Claims 1-2 are pending in this application, with claims 1 and 2 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

### **Drawing Objections**

The drawings are objected to as failing to show all features of the claimed invention. Figs. 1a, 2a, 3a, and 4a are added to show the front views of the shearing device during each of the steps of Figs. 1-4. It is respectfully submitted that the drawings do not constitute new matter. The configuration of the annular knives 25 shown in Figs. 1a, 2a, 3a, 4a, and 5 of the present application corresponds to Fig. 4 of U.S. Patent No. 3,491,640, which is expressly incorporated by reference on page 7, lines 4-5 of the specification as filed. Furthermore, the annular cutting knife blades 26 shown in amended Fig. 5 of the present application is similar to the sectional view of the knife blades 114 shown in Fig. 1 of U.S. Patent No. 3,491,640, which is expressly incorporated by reference on page 7, lines 4-5 of the specification as filed. In view of the above amendments and remarks, the drawings now show all the features recited in the claims. The objections to the drawings should now be withdrawn.

### **Specification Objections**

The specification is objected to because it is allegedly unclear how the shearing device frame is movable relative to the guide. Fig. 1, 2, 3, and 4 as filed show a relative movement of the frame 20 and the annular knives 25 relative to the crop-shearing device 100 and guide 10 (see

the difference between Figs. 2 and 3). The new Figures 1a, 2a, 3a, and 4a show the movement of the frame 20 relative to the crop shearing device 100 and schematically depict the actuating mechanisms. This depiction of the upward movement does not constitute new matter because the original Figs. 1, 2, 3, and 4 do show a relative movement of the frame 20 and annular knives 25 relative to the crop-shearing device 100 and the guide part 10 (see the difference in position of the frame 20 and knives 25 between Figs. 2 and 3). The new drawings clarify the movement.

The Examiner also alleges that it is unclear why the shearing device frame moves from the lower to the higher position. The specification discloses that this feature allows both the front crop and the rear crop to be performed by the same shearing device (see page 4, lines 15-19 of the specification). In the prior art, two shears are needed: a first to cut the front crop as the guide moves from the lower to the middle position and a second to cut the rear crop as the guide moves from the middle to the upper position (see page 2, line 9, to page 3, line 3).

#### Objection to Amendment Filed 12/15/03

The Examiner alleges that the amendment includes new matter because the raise/lower mechanism and the cutting position mechanism in added Fig. 5 are not in the original disclosure. As stated above, the present application as filed includes an express incorporation by reference of U.S. Patent No. 3,491,640 (see page 7, lines 4-5). The patent 3,491,640 discloses the cutting position mechanism 28 shown in amended Fig. 5 of the present application. Furthermore, the present application as filed discloses that the frame 20 and knives 25 moves relative to the chop-shearing device 100 and the guide part 10 (see the difference between Figs. 2 and 3). Accordingly, the application as filed discloses (1) the two separate movements and (2) a specific cutting position mechanism by the express incorporation of U.S. Patent No. 3,491,640. Furthermore, since the

present application discloses that the knives can be in their cutting position or open in the upper position of the frame, the application as filed discloses that the raise/lower mechanism is separate from the cutting position mechanism is used (see page 7, lines 15-18). Fig. 5 has been amended to conform to the disclosure of U.S. Patent No. 3,491,640. In view of the above remarks, it is respectfully submitted that the application, as presently amended, does not comprise new matter.

Rejection of claims 1 and 2 under 35 U.S.C. §112, first paragraph

The Examiner alleges that the disclosure of the present application fails to teach one skilled in the art how the end cutting edges are directed toward one another. This is now clearly shown in Fig. 5, which corresponds to Fig. 4 of U.S. Patent No. 3,491,640, expressly incorporated by reference at page 7, lines 4-5 in the application as filed.

Further, the Examiner states that the disclosure fails to show how the shearing device frame moves from the lower to the higher position. As stated above, the difference in position of the frame 20 between Figs. 2 and 3 as filed shows the relative movement. The new drawings 1a, 2a, 3a, and 4a schematically show how the frame 20 is moved. It is respectfully submitted that one skilled in the art would know how to implement mechanical movement of a frame 20 between an upper and lower position from the original drawings.

The Examiner states that it is not clear how many actuating means are responsible for actuating the end cutting position and the shearing device frame. As discussed above, the application as filed expressly incorporated U.S. Patent No. 3,491,640 which discloses a specific example of the how the cutting position mechanism could be implemented. Furthermore, since the cutting position mechanism disclosed by U.S. Patent No. 3,491,640 does not move the frame up or down, one skilled in the art would recognize that another mechanism is needed. Moreover, since

the present application discloses that the knives can be in their cutting position or open in the upper position of the frame, the application as filed discloses that raise/lower mechanism separate from the cutting position mechanism is used (see page 7, lines 15-18).

Lastly, the Examiner alleges that the purpose of moving from the lower to the upper position is not taught. However, the specification does teach that this feature allows both the front crop and the rear crop to be performed by the same shearing device (see page 4, lines 15-19 of the specification). Furthermore, the specification discloses that a problem with the prior art is that two shears are needed: a first to cut the front crop as the guide moves from the lower to the middle position and a second to cut the rear crop as the guide moves from the middle to the upper position (see page 2, line 9, to page 3, line 3).


In view of the above remarks, it is respectfully requested that the rejection of claims 1 and 2 under 35 U.S.C. §112, first paragraph, now be withdrawn.

The application is now deemed to be in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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